

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	
)	MM Docket No. 92-187
)	
FAMILY STATIONS, INC.)	File No. BPED-890815MC
Channel 215B1)	
Bakersfield, CA)	
)	
SHEPHERD)	File No. BPED-891113ME
COMMUNICATIONS, INC.)	
Channel 215B)	
Shafter, CA)	
)	
SKYRIDE UNLIMITED,)	File No. BPED-901004MM
INCORPORATED)	
Channel 215B)	
Shafter, CA)	
)	
For Construction Permit for a)	
New Noncommercial FM Station)	

To: The Honorable Edward Luton,
Administrative Law Judge

STATEMENT FOR THE RECORD

Shepherd Communications, Inc. ("Shepherd"), by its attorneys, hereby states for the record that it concurs with the statement of Family Stations, Inc. ("Family") that the standard document production order and the standard integration statement specified in 47 C.F.R. § 1.325 are not applicable to this proceeding. As Family notes, this proceeding involves two noncommercial applicants. As the "standard" comparative issue is inapplicable to this case, the information to be disclosed pursuant to Section 1.325 document production and integration

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ENCLOSURE

statements is inapplicable to this proceeding. See, e.g., Order Prior to Prehearing Conference, FCC 92M-754, released July 6, 1992 (copy attached).

Undersigned counsel to Shepherd has discussed this matter with counsel to Family, and it has been agreed that documents and integration statements need not and will not be exchanged pursuant to Section 1.325 in this noncommercial case.^{1/} Moreover, the parties are actively engaged in attempts to settle this proceeding. Therefore, initiation of discovery at this point would be premature as discovery may ultimately prove to be unnecessary.

Respectfully submitted,

SHEPHERD COMMUNICATIONS, INC.

By: 

Richard K. Zaragoza
John K. Hane III

Its Attorneys

FISHER, WAYLAND, COOPER
AND LEADER
1255 23rd Street, N.W.
Suite 800
Washington, D.C. 20037
(202) 659-3494

Date: September 14, 1992

^{1/} Should the Presiding Judge interpret the rules differently, Shepherd will promptly exchange any relevant documents and will submit an "integration statement."

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 92M-754
03333

In re Applications of)	MM DOCKET NO. 92-116
)	
UHURU COMMUNICATIONS, INC.)	File No. BRED-910130WF
)	
For Renewal of License)	
of Station WUCI-FM)	
Binghamton, New York)	
)	
and)	
)	
WSKG PUBLIC)	
TELECOMMUNICATIONS COUNCIL)	File No. BPED-910501MB
)	
For a Construction Permit)	
for a New FM Station)	
Binghamton, New York)	
)	
ARROWHEAD CHRISTIAN CENTER)	File No. BPED-910501MC
)	
For a Construction Permit)	
for a New FM Station)	
Binghamton, New York)	

ORDER PRIOR TO PREHEARING CONFERENCE

Issued: July 1, 1992 ; Released: July 6, 1992

1. A prehearing conference in this proceeding is scheduled for August 7, 1992, commencing at 9:00 a.m. The Presiding Judge deems it desirable to establish the following procedures:

- a. The applicants need not comply with Sections 1.325(c)(1) and (2) of the Commission's Rules relating to the Standard Document Production Order and the Standardized Integration Statement. This case involves competing applications for noncommercial educational facilities. The issues specified in this case differ considerably from those designated in cases involving applications for commercial facilities. Consequently, the materials listed in the Standard Document Production Order and the Standardized Integration Statement have no applicability to this proceeding and need not be exchanged.

- b. By July 31, 1992, counsel are directed to confer for the purpose of exploring settlement and possible agreement on share-time arrangements, the scope of the issues to be tried in this case, and discovery. With respect to discovery, if depositions are to be taken, the applicants shall agree on a mutually convenient schedule for the taking of such depositions. Interrogatories shall not be used and will not be entertained. Moreover, the applicants shall agree on a Joint Document Production Request which would be applicable to all applicants. This will ensure a uniform and reciprocal disclosure of documents. In the event one of the applicants has a specific document request relating to another, a separate request for the production of such documents shall be served in accordance with Section 1.325(a) of the Rules.
- c. By August 5, 1992, a Joint Report shall be submitted to the Presiding Judge fully reporting on the results of the meeting described above.

2. The November 2, 1992, hearing date is a firm date. Accordingly, the following procedural schedule is established:

October 2, 1992	Completion of all discovery.
October 9, 1992	Exchange of written direct cases. ¹
October 19, 1992	Notification of witnesses desired for cross-examination. ²

¹ All exhibits must be received by all parties not later than this date. The exhibits will be serially numbered, separately paginated, and assembled in a binder with a tab on each document. A prefix will be used to indicate the party sponsoring the exhibit. Each exhibit must be accompanied by the affidavit or declaration under penalty of perjury of a sponsoring witness. If official notice is requested of any materials in the Commission's files, that material should be assembled in written form, properly identified by source, given an exhibit number, and exchanged on the date set.

² Such notification may be made by phone or fax. If oral notification is given it must be confirmed in writing.

October 26, 1992


Objections to witness notification.

November 2, 1992

Commencement of the hearing at 10:00 a.m.
in the Commission's Washington, D.C.
offices.³

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Arthur L. Steinberg".

Arthur L. Steinberg
Administrative Law Judge

³ Rebuttal, if any, will commence immediately after the conclusion of the direct cases.

CERTIFICATE OF SERVICE

I, Denise Sullivan, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that on this 14th day of September, 1992, I served a true copy of the foregoing "STATEMENT FOR THE RECORD" by first class United States Mail, postage prepaid, upon the following:

*Honorable Edward Luton
Administrative Law Judge
Federal Communications Commission
2000 L Street, Room 225
Washington, D.C. 20036

*Charles Dziedzic, Chief
Hearing Branch
Federal Communications Commission
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Denise Sullivan

*By Hand Delivery